

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO.: 04-12317WGY

AMERICAN TOWER CORPORATION,
Plaintiff,

v.

J.L.B. CONSTRUCTION, INC., 21ST
CAPITAL CORPORATION, PRIME
COMMUNICATIONS, LLC, AMF
ELECTRICAL CONTRACTORS, INC.,
HEINZ CORPORATION, DANIEL
WENESS CONSTRUCTION,
WESTERN STATES TOWER, LLC,
WEST CENTRAL CONSULTING
SERVICES, INC., STEWART
ELECTRIC, INC., GLOBAL TOWER
SERVICE, ADVANCED LIGHTNING
TECHNOLOGY, LTD. and GULF
COAST STEEPLEJACK,
Defendants.

ASSENTED TO MOTION TO CONTINUE

NOW COMES the Plaintiff American Tower Corporation and hereby requests that this Honorable Court continue the Mediation currently scheduled for Monday, March 21, 2005 at 10:00 a.m.

In support hereof, the Plaintiff states that counsel for the Plaintiff has a trial scheduled for 9:00 a.m. on Monday, March 21, 2005 in the Middlesex Superior Court entitled: *Commonwealth of Massachusetts v. Kiem Lam*, Indictment No. 2004-211-001-3, and will be unable to attend the Mediation at 10:00 a.m. The Plaintiff timely notified

the Court of the scheduling conflict following receipt of the Notice of Mediation.

Pursuant to a conversation of today with the Courtroom Clerk, the dates of April 25, 2005 and May 9, 2005 were proposed by the Plaintiff to all counsel of record. It appears that May 9, 2005 is an available date for all parties. Counsel for Stewart Electric, Inc., West Central Consulting Services, Inc. and 21st Capital Corporation have assented to this motion and the new date.

Please note that counsel for Prime Communications will not assent to this motion unless the Plaintiff will reimburse the Defendant's travel costs, but has agreed to May 9, 2005 as an available date if the Motion to Continue is allowed. Counsel for Prime has requested that Plaintiff attach his letter of explanation. A true and correct copy of the e-mail correspondence from counsel for Prime is attached hereto.

Alternatively, counsel for the Plaintiff may be able to attend the Mediation on March 21, 2005 if it is rescheduled to 2:00 p.m. or anytime thereafter on the same day.

WHEREFORE, the Plaintiff American Tower Corporation hereby moves this Honorable Court to continue the Mediation currently scheduled for Monday, March 21, 2005 at 10:00 a.m.

/s/Gregory J. Aceto
Gregory J. Aceto, Esq.
BBO No. 558556
JOHNSON & ACETO, P.C.
67 Batterymarch Street, Suite 400
Boston, MA 02110
(617) 728-0888
aceto@johnsonaceto.com

ASSENTED TO:

/s/ Denise Chicoine
Denise Chicoine, Esq.
BBO# 564152
ENGLANDER & CHICOINE, P.C.
Two Newton Place
Newton, MA 02458
dchicoine@ec-legal.com

/s/ John L. Hause
John L. Hause, Esq.
BBO# 645425
ARNOWITZ & GOLDBERG
1208 V.F.W. Parkway, Suite 203
Boston, MA 02132
jhause@arnowitzandgoldberg.com

Dated: March 15, 2005

This document was created with Win2PDF available at <http://www.daneprairie.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.